

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMES COOLEY, an individual, and
MORGAN COOLEY, an individual,

Plaintiffs,

v.

ELIZABETH MARCUS, an individual,

Defendant.

Mark H. Zietlow (P37022)
INNOVATIVE LAW GROUP
Attorney for Plaintiffs
388 Garden Avenue
Suite 140
Holland, MI 49424
(616) 392-4100
mark@innovative.lawyer

Thomas V. Hubbard (P60575)
Amanda P. Narvaes (P74957)
DREW, COOPER & ANDING, P.C.
Attorneys for Defendant
Aldrich Place, Suite 200
80 Ottawa Avenue, N.W.
Grand Rapids, MI 49503
(616) 454-8300
thubbard@dca-lawyers.com
anarvaes@dca-lawyers.com

DEFENDANT'S MOTION TO DISMISS PURSUANT TO FED. R. CIV. P. 12(B)(6)

ORAL ARGUMENT REQUESTED

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, Defendant Elizabeth Marcus moves this Court to dismiss Plaintiffs' Complaint in its entirety, as set forth more fully in the concurrently filed Brief in Support of this Motion, for the reason that Plaintiffs have failed to state valid claims upon which relief can be granted. Also, for the reasons explained in her supporting Brief, Defendant asks for her costs and reasonable attorney fees incurred pursuant to 17 U.S.C. § 505. Pursuant to L.R. 7.1(d), Defendant sought Plaintiffs concurrence in this motion, which was not forthcoming.

Respectfully submitted,

Dated: February 22, 2023

/s/Thomas V. Hubbard

Thomas V. Hubbard (P60575)

Amanda P. Narvaes (P74957)

DREW, COOPER & ANDING, P.C.

Attorneys for Defendant

80 Ottawa Avenue NW

Aldrich Place, Suite 200

Grand Rapids, MI 49503

(616) 454-8300

thubbard@dca-lawyers.com

anarvaes@dca-lawyers.com

CERTIFICATE OF SERVICE

I certify that on February 22, 2023, the foregoing document was served on all parties or their counsel of record through the CM/ECF system if they are registered users or, if they are not, by placing a true and correct copy in the United States mail, postage prepaid, to their address of record.

Dated: February 22, 2023

/s/Thomas V. Hubbard

Thomas V. Hubbard (P60575)

Amanda P. Narvaes (P74957)

DREW, COOPER & ANDING, P.C.

Attorneys for Defendant

80 Ottawa Avenue NW

Aldrich Place, Suite 200

Grand Rapids, MI 49503

(616) 454-8300

thubbard@dca-lawyers.com

anarvaes@dca-lawyers.com